



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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May 13, 2022

Green Ridge Recycling and Disposal Facility, LLC

Attn: Jerry Cifor

12230 Deergrove Road

Midlothian, VA 23112

VIA EMAIL: jerry.cifor@myfairpoint.net

Return Receipt Requested

RE: Joint Permit Application Number 20-1619
Green Ridge Recycling and Disposal Facility, Cumberland County, Virginia
Additional Information Request Letter

Dear Mr. Cifor:

The Virginia Department of Environmental Quality (DEQ) received your application for the above-referenced project on September 2, 2020 and additional information materials received on May 7, 2021, January 11, 2022, and April 29, 2022. DEQ finds that your project qualifies for authorization under the Virginia Water Protection (VWP) Permit in accordance with 9 VAC 25-210-10 et seq; however, the following information is required to complete your application under the VWP Permit Program.

1. In accordance with 9 VAC 25-210-80 B 1.g, please provide the following information to clarify alternative selection criteria:

Please provide consistent estimated surface water impact information for the alternative sites. Currently, the information provided in Appendix 12 "Figures – Conceptual Layouts – Alternatives" is different than the information provided in Table 2 – Environmental Impacts. Please clarify.

Please describe the onsite measures used to avoid or minimize impacts associated with the Miller Lane relocation.

2. In accordance with 9 VAC 25-210-80 B 1.h, please update the converted impact acreage for Impact RR.4 on Impact Plate 1.12. Additionally, please revise the Impact Plate column in the Impact Table 1.0 for Plates 1.12 and 1.13.

3. In accordance with 9 VAC 25-210-80 B 1.h, will any portion of Impact 6.1 be a result of secondary impacts due to loss of hydrology? Has the potential for secondary impacts been evaluated downstream of Impact 8.1? If not, please evaluate and provide information summarizing the conclusion.
4. The surface waters associated with RR.3 and RR.4 do not appear to be included on the project jurisdictional determination for the project. In accordance with 9 VAC 25-210-80 B 1.h.(4), please provide a copy of the approved jurisdictional determination when available, or when unavailable, (i) the preliminary jurisdictional determination from the U.S. Army Corps of Engineers (USACE), U.S. Department of Agriculture Natural Resources Conservation Service (NRCS), or DEQ or (ii) other correspondence from the USACE, NRCS, or DEQ indicating approval of the boundary of applicable jurisdictional surface waters, **including wetlands data sheets** if applicable.
5. In accordance with 9 VAC 25-210-80 B 1.i.(2), there appears to be multiple areas on the Conceptual Design plans, where proposed construction activities in surface waters extend beyond the proposed impact limits. Please ensure all impact areas are accurately depicted on the impact maps and quantify all impacts to the nearest whole number. Please update all impact tables, USM forms, and the mitigation proposal to accurately reflect any revisions.
6. In accordance with 9 VAC 25-210-80 B.1.i, on the plan sheets, please present the road crossings associated with Miller Lane, Pinegrove Road, the Borrow Area Road, and the entrance road in a manner where proposed culverts and inlet and outlet protection can be easily reviewed. Currently, the scale of these figures makes this information difficult to review or some areas the inlet and outlet protection does not appear to be included on the Impact Maps. Additionally, please clearly label the entire project area on the Overall Impact Map.
7. In accordance with 9 VAC 25-210-80 B.1.i, at Impact EW.1, how will stream flows re-enter the remaining stream channel downstream of the outfall location? Currently, the outfall does not appear to align with the remaining stream channel. Can the culvert location be re-aligned to better match the location and flow path of the existing stream channel at Impact EW.1?
8. In accordance with 9 VAC 25-210-80 B.1.i, please more clearly depict the stream impact reach breaks, specifically between primary and secondary impact areas on the Impact Maps.
9. In accordance with 9 VAC 25-210-80 B.1.j, in addition to the information provided in the longitudinal profile drawings please provide the limits of surface water areas and the impact limits on each drawing. Additionally, on Sheet 2.1, please include a graphic scale bar.

10. In accordance with 9 VAC 25-210-80 B.1.m, please confirm the total stream compensation requirements included on USM Form 2 are correct.
11. In accordance with 9 VAC 25-210-80 B.1.m, DEQ would like to visit the project site to review the USM scores. Please see email correspondence for dates of DEQ availability. Please provide your or your agents availability for this visit.
12. In accordance with 9 VAC 25-210-80 B.1.m, please provide a compensatory mitigation plan for the proposed wetland impacts, which achieves no net loss of wetland acreage.
13. In accordance with 9 VAC 25-210-80 B.1.m, please complete the USM Compensation Crediting Forms (Form 3) for the Boxwood PRM site as completely as possible, including Locality, Cowardin Class, HUC, and Reach #.
14. In accordance with 9 VAC 25-210-80 B.1.m.(2), please provide the schedule for the PRM project restoration activities.
15. In accordance with 9 VAC 25-210-80 B.1.m.(3), please provide the draft of the intended protective mechanism or mechanisms, in accordance with 9VAC25-210-116 B 2, such as, but not limited to, **a conservation easement (This is DEQ's preference)** held by a third party in accordance with the Virginia Conservation Easement Act (§ 10.1-1009 et seq. of the Code of Virginia) or the Virginia Open-Space Land Act (§ 10.1-1700 et seq. of the Code of Virginia), a duly recorded declaration of restrictive covenants, or other protective instrument. The draft intended protective mechanism shall contain the information in subdivisions (a), (b), and (c) of this subdivision B 1 m (3) or in lieu thereof shall describe the intended protective mechanism or mechanisms that contain or contains the information required as follows:
 - (a) A provision for access to the site;
 - (b) The following minimum restrictions: no ditching, land clearing, or discharge of dredge or fill material, and no activity in the area designated as compensatory mitigation area with the exception of maintenance; corrective action measures; or DEQ-approved activities described in the approved final compensatory mitigation plan or long-term management plan; and
 - (c) A long-term management plan that identifies a long-term steward and adequate financial assurances for long-term management in accordance with the current standard for mitigation banks and in-lieu fee program sites, except that financial assurances will not be necessary for permittee-responsible compensation provided by government agencies on government property. If approved by DEQ, permittee-responsible compensation on government property and long-term protection may be provided through federal facility management plans, integrated natural resources management plans, or other alternate management plans submitted by a government agency or public authority.
16. In accordance with 9 VAC 25-210-80 B.1.m.(3), it does not appear that the project is proposing to enhance or restore any of the streams or buffers associated with the Green Ridge preservation and the proposed activity is strictly preservation which is last on the

mitigation hierarchy. Please provide more information to justify the inclusion of the Green Ridge preservation as part of the compensatory mitigation plan. Please include information that demonstrates how the project expects to protect the long term fidelity of these proposed preservation areas despite their proximity to the proposed project. Please include any information that demonstrates any unique or noteworthy components of these areas.

17. In accordance with 9 VAC 25-210-80 B.1.m, DEQ would like to request a site visit to the proposed Boxwood PRM site to review the USM scores provided with the Conceptual Mitigation Plan to ensure that the compensatory mitigation plan will achieve a no net loss of stream functions and water quality benefits. Separate correspondence will be sent to RES to schedule a site visit at the Boxwood PRM site.
18. In accordance with 9 VAC 25-210-80 B 1.m, please provide a jurisdictional determination for the entire proposed PRM project area.
19. In accordance with 9 VAC 25-210-80 B 1.p, a permit application fee is required to complete the application. Once the proposed impact information has been determined, DEQ will notify you of the fee amount.

The 120-calendar day processing period for authorization of the VWP Individual Permit will not commence until you provide the above requested information. Please submit the information to my attention by July 12, 2022 so that DEQ can continue to process your application. Please be advised that upon receipt of the requested information, additional information may still be required for DEQ to reach a permit decision.

Please contact me by phone at (804) 712-4001 or by email at bryan.jones@deq.virginia.gov if you have any questions or concerns regarding this request. Thank you for your cooperation in this matter.

Respectfully,



Bryan Jones
VWP Permit Writer

cc: Brent Johnson, KBJW – VIA EMAIL
Steven Vanderploeg, U.S. Army Corps of Engineers – VIA EMAIL